

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Michael Daniels, Jr., #319408,)	C/A No. 8:15-5025-MGL
)	C/A No. 8:16-808-MGL
Petitioner,)	
)	
vs.)	ORDER
)	
Warden Cartledge,)	
)	
Respondent.)	
_____)	

Petitioner is incarcerated at Perry Correctional Institution. Proceeding pro se, he responded to this Court's proper form order entered in C/A No. 8:15-5025-MGL by mailing his completed § 2254 habeas petition from the prison mail room on March 9, 2016. Thus, his response to the proper form order was timely, and the document should have been filed in C/A No. 8:15-5025-MGL. However, mistakenly the completed § 2254 habeas petition was opened as a new habeas action, C/A No. 8:16-808-MGL. Pursuant to Fed. R. Civ. P. 60, this Court will direct the Clerk of Court to vacate the dismissal order and judgment entered in C/A No. 8:15-5025-MGL [Doc. 16, 17] and reopen that action¹; and, the recently completed § 2254 habeas petition will be filed in C/A No. 8:15-5025-MGL as an attachment to Doc. 1. The Clerk of Court will then close C/A No. 8:16-808-MGL.

Accordingly, it is ORDERED that the dismissal order and judgment entered in C/A No. 8:15-5025-MGL [Doc. 16, 17] are hereby vacated and that action is reopened; the recently completed § 2254 habeas petition shall be filed in C/A No. 8:15-5025-MGL as an attachment to Doc. 1; and, the Clerk of Court shall close C/A No. 8:16-808-MGL.

It is further ORDERED that the Clerk of Court shall file this Order in both habeas

¹This Court dismissed C/A No. 8:15-5025-MGL because Petitioner had failed to respond to the proper form orders. This Court did not know that Petitioner had in fact filed a timely response to the second proper form order.

actions listed above.

IT IS SO ORDERED.

March 23, 2016
Columbia, South Carolina

S/Mary Geiger Lewis
United States District Judge